



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

Office of the  
General Counsel

APR 15 2010

Honorable William D. Spencer  
Clerk of the Board  
U.S. Merit Systems Protection Board  
1615 M Street, NW  
Washington, DC 20419

Re: Conyers v. Department of Defense, No. CH-0752-09-0925-I-1, and Northoyer v. Department of Defense, No. AT-0752-10-0184-I-1.

Dear Mr. Spencer:

To avoid a misunderstanding of the matters outlined in our letter of March 31, 2010, the U.S. Office of Personnel Management (OPM) provides this supplementary information letter to correct an error made by amicus National Treasury Employees Union (NTEU) in its March 1, 2010, brief in the above-referenced appeals. Specifically, in its amicus brief, at 13-14, NTEU asserts that "OPM has carefully limited 'national security' investigations" to "those who have access to classified information," and that "OPM instructs agencies to use . . . the SF 85P (Questionnaire for Public Trust Positions), for employees who are in 'sensitive' positions that do not require such access."

As we explained in our letter, OPM requires that the SF 86 (and not the SF 85P<sup>1</sup>) be used for investigations for sensitive positions. This requirement is of long standing. See, e.g., 55 Fed. Reg. 45809 (Oct. 31, 1990) (notice of intent to revise 5 C.F.R. Parts 731, 732, and 736) (explaining that the SF 85P is to be used for "higher risk" positions designated under Part 731 and "having no national security aspect," while the SF 86 continues to be used for positions designated under Part 732 as noncritical-sensitive, critical-sensitive, or special-sensitive because of "national security duties" and "classified information access requirements").

<sup>1</sup> The SF 85P requires information related to the character and conduct of the individual for a public trust position, while the SF 86 includes additional questions related to national security, including contacts who may have influence over the individual.

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Further, OPM has issued specific instructions to agencies under 5 C.F.R. § 732.201(b), directing the use of the SF 86 to initiate all investigations for sensitive positions, and limiting the use of the SF 85P to investigations for nonsensitive public trust positions. See OPM, Memorandum for Heads of Departments and Agencies, Position Designation System at 15-16, Nov. 25, 2008, in tab A, infra, and July 2009 revision at 15-16, in tab B, infra. This guidance most accurately reflects OPM's actual position regarding the two forms.

In support of its point, NTEU cites 56 Fed. Reg. 18650 (Apr. 23, 1991) and 59 Fed. Reg. 59260 (Nov. 16, 1994). The former, however, is silent both on whether a person entering a sensitive position who does not require access to classified information is subject to a national security investigation, and also on the appropriate form to be used to conduct the investigation. OPM acknowledges that the latter notice does contain ambiguous and contradictory language, which may have led NTEU astray.<sup>2</sup> The notice, of course, is not a binding interpretation of 5 C.F.R. Part 732, for it is not an interpretive rule, or an interpretive statement in a general notice of proposed rulemaking issued under 5 U.S.C. § 553(b). Rather, it is a notice of a revised information collection under the former Paperwork Reduction Act of 1980, 44 U.S.C.A. § 3507 note. Notwithstanding the ambiguous language used in this notice, OPM, which is the sponsor of these forms, has authoritatively directed that the SF 86, and not the SF 85P must be used for positions that are designated national security sensitive.

Respectfully,



Elaine Kaplan  
General Counsel

Enclosure

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<sup>2</sup> On one hand, the notice states that the SF 86 is used "to initiate the background investigation required to determine placement in national security positions in accordance with . . . E.O. 10450" (i.e., all positions designated as noncritical-sensitive, critical-sensitive, or special-sensitive). On the other hand, the notice states that the SF 85P may be completed by persons in "certain sensitive positions that do not require access to classified information," and that the SF 86 is required only for "individuals needing a security clearance for access to classified national security information." 59 Fed. Reg. at 59260, 59261. To the extent this ambiguous language may have been interpreted as evincing a willingness, on the part of OPM, to permit an agency to use either form, that interpretation is no longer viable in light of more recent guidance issued under the authority of Part 732.





UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Federal Investigative  
Services Division

**Federal Investigations Notice**

Notice No. 09-03

Date: January 5, 2009

**SUBJECT: New Position Designation System and Automated Tool**

On November 25, 2008, OPM's Acting Director Michael W. Hager signed a memorandum to the heads of agencies and departments introducing a new Position Designation System (PDS) and Automated Tool for designating National Security and Public Trust positions. The position designation process is used to determine the appropriate level of investigation for positions covered by title 5, Code of Federal Regulations, parts 731 and 732. The new PDS was designed to simplify position designation and provide an automated method for making these determinations. The November 25, 2008, memorandum and its attachments replace all prior OPM guidance on position designation. Agencies may start using the new PDS and Automated Tool immediately. Position designations under the previous position designation system may be grandfathered and no re-designation using the new PDS or Automated Tool is necessary unless agencies choose to do so.

The November 25, 2008, memorandum included a list of questions and answers about the new PDS and Automated Tool. In addition, OPM's Federal Investigative Services Division (FISD) is working on additional resource material and updating materials agencies may use to train their employees. Agencies must ensure their employees receive sufficient training to be proficient at the task of position designation. To assist you, the November 25, 2008, memorandum includes a hardcopy version of the Automated Tool. A thorough familiarity with the various descriptions of duties that may impact on the final position designation, as outlined in the hardcopy version of the Automated Tool, will ensure accuracy and consistency when the Automated Tool is used.

The new PDS and the Automated Tool are For Official Use Only and have been added to OPM's Secure Portal. Access to this information was granted to designated agency security office contacts for further dissemination to personnel within their agencies charged with position designation. If you are responsible for position designation, and have not yet received the new PDS and Automated Tool, please contact your agency's security office to obtain copies.

If you need additional information or assistance, please contact FISD's Agency Liaison Group (ALG) at (703) 603-0442.

A handwritten signature in black ink, appearing to read "Kathy Dillaman".

Kathy L. Dillaman  
Associate Director  
Federal Investigative Services Division

Inquiries: OPM-FISD-ALG, (703) 603-0442  
Code: Executive Orders 10450 and 12968; 5 CFR Parts 731 and 732  
Distribution: SOIs/SONs  
Notice Expires: Until superseded



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

November 25, 2008

MEMORANDUM FOR HEADS OF DEPARTMENTS AND AGENCIES

FROM: MICHAEL W. HAGER  
Acting Director

SUBJECT: Position Designation System

This memorandum introduces the new Position Designation System (PDS) and the Automated Tool for Position Designation of National Security and Public Trust Positions that replace the current process for position risk designation. This system is for the designation of National Security positions, as required by title 5, Code of Federal Regulations, part 732, and positions covered by title 5, Code of Federal Regulations, part 731. The PDS is used to determine the appropriate investigation required for the position.

By memorandum dated January 18, 2008, this system was issued as a proposal and agencies were asked to conduct a 90 day impact assessment and report their findings. The assessment findings, comments, and recommendations from responding agencies have been examined and adjustments to the PDS have been made. The number of investigative "tiers" have been adjusted consistent with a Joint Reform Team's April 30, 2008 report to the President calling for continuing development of a "simplified position designation system . . . to support [a] streamlined investigative process and reciprocity." However, the investigative solutions resulting from the PDS are based on current policy to allow immediate use of the new designation process. As additional reforms are proposed and implemented, these investigative solutions may be superseded. Also, supplemental materials have been created to complement the PDS and assist users with its implementation. The new position designation process may be used immediately to designate any new positions within your agency. Guidance will be forthcoming from OPM's Federal Investigative Services Division (FISD) to address the "grandfathering" of position designations, implementation of the PDS, and training concerning its use.

We request you treat the PDS, the supplemental materials, and the Automated Tool confidentially and restrict circulation of these materials to those individuals in your agency who make position designation decisions. The Automated Tool will be distributed through the OPM Secure Portal, along with additional instructions concerning its dissemination. The Proposed Position Designation System, the previous version of the Automated Tool issued for assessments, and any previous instructions from OPM concerning position designation are no longer valid and should be withdrawn from use.

For additional information, or if you have questions about the Position Designation System, please contact FISD's Agency Liaison Group, at 703-603-0442. We appreciate agencies' comments and recommendations and the teamwork necessary to create and implement the new Position Designation System.

Attachments

[www.opm.gov](http://www.opm.gov)

Our mission is to ensure the Federal Government has an effective civilian workforce

[www.usajobs.gov](http://www.usajobs.gov)

## POSITION DESIGNATION OF NATIONAL SECURITY AND PUBLIC TRUST POSITIONS

This system is for position designation of National Security positions, positions in the competitive service, positions in the excepted service where the incumbent can be noncompetitively converted to the competitive service, and initial career appointments in the Senior Executive Service (SES).

The designation of covered positions<sup>1</sup> is outlined in section 731.106 of title 5, Code of Federal Regulations. Every covered position must be designated at the low, moderate, or high risk level as determined by the position's potential for adverse impact on the efficiency and integrity of the service. As the level of authority and responsibility of a position become greater, character and conduct become more significant in deciding whether employment or continued employment would protect the integrity or promote the efficiency of the Federal service.

The designation of National Security positions is outlined in section 3 of E.O. 10450, as amended, and in section 732.201 of title 5, Code of Federal Regulations. Each position in the Federal service not designated as Non-Sensitive must be designated as Noncritical-Sensitive, Critical-Sensitive, or Special-Sensitive, depending on the degree to which, by virtue of the nature of the position, the occupant could bring about a material adverse effect on the national security. The nature of the position includes the incumbent's foreseeable need for access to classified information; under E.O. 12968, eligibility for access to classified information cannot be granted unless such access is clearly consistent with the national security. The nature of the position also includes the level of clearance required (i.e., confidential, secret, or top secret); under E.O. 12958, as amended, the level at which information is classified depends on whether unauthorized disclosure reasonably could be expected to cause "damage," "serious damage," or "exceptionally grave damage" to the national security.

Proper position designation is based on a combined assessment of the three prescribed levels of risk and the four prescribed levels of sensitivity (including the "non-sensitive" level). Position designation determines what type of investigation is required and how closely an individual is screened for a position.

In order to determine the proper designation of a position, the position description and any other necessary supplemental information (e.g. management and security office input) must be carefully evaluated to assess the nature of the position in terms of its clearance requirements or any other impact on national security as well as its impact on the efficiency or integrity of the service. The following four-step process will result in a final designation which, in turn, will dictate the investigative requirements for the position in question. **(Note that underlined words and phrases appearing on this page and throughout the following pages are further defined in the attached Glossary.)**

<sup>1</sup> As defined in 5 CFR 731.101, covered position means a position in the competitive service, a position in the excepted service where the incumbent can be noncompetitively converted to the competitive service, and a career appointment to a position in the Senior Executive Service.

## POSITION DESIGNATION RECORD

<b>Agency</b>	
<b>Position Title</b>	
<b>Series and Grade/Pay Band</b>	
<b>Position Description Number</b>	
<b>Designator's Name &amp; Title</b>	

**Step 1: Assess the Nature of the Position**

**A. National Security Requirements of the Position:**

This step is required for any position in the Federal service when the duties of the position require eligibility for access to classified material or otherwise impact the national security. Mark the block that applies and follow the instructions.

**Special-Sensitive** - Positions with the potential to cause inestimable damage to the national security, including:

- (1) Access to Sensitive Compartmented Information (SCI)
  - (2) Access to any other intelligence-related Special Sensitive information or involvement in Top Secret Special Access Programs (SAP)
  - (3) Any other position the agency head determines to be at a higher level than Critical-Sensitive due to special requirements that complement E.O. 10450 and E.O. 12968
- SPECIFY: \_\_\_\_\_

**For these positions, the final designation will always be Tier 3 (National Security);** Skip steps 1b, 2 and 3 and go to Step 4, as further determination of the potential impact on the efficiency or integrity of the service will not be necessary for the designation process.

**Critical-Sensitive** - Positions with the potential to cause exceptionally grave damage to the national security, including:

- (1) Access to Top Secret or "Q" classified information
  - (2) Development or approval of war plans, or plans or particulars of future major or special operations of war, or critical and extremely important items of war
  - (3) National security policy-making or policy-determining positions, the duties of which have the potential to cause exceptional or grave damage to the national security
  - (4) Investigative duties, the nature of which have the potential to cause exceptional or grave damage to the national security, such as counterintelligence investigations
  - (5) The adjudication, recommendation of adjudicative determinations, and/or granting of personnel security clearances
  - (6) Duty on personnel security boards
  - (7) Any other positions related to national security requiring the same degree of trust
- SPECIFY: \_\_\_\_\_

**For these positions, the final designation will always be Tier 3 (National Security);** Skip steps 1b, 2 and 3 and go to Step 4, as further determination of the potential impact on the efficiency or integrity of the service will not be necessary for the designation process.

**Noncritical-Sensitive** - Positions with the potential to cause damage to the national security, up to and including damage at the significant or serious level. These positions include:

- (1) Access to Secret, "L," Confidential classified information
- (2) Any other positions with the potential to cause harm to national security to a moderate degree (these positions do not rise to the level of the positions listed above.) SPECIFY: \_\_\_\_\_

**For Noncritical-Sensitive and Non-Sensitive positions, you must proceed with Step 1.B. before determining the final position designation.** 5 CFR part 731 requires an assessment of the public trust responsibilities of covered positions. Continue to step 1.B., since the final designation may be affected by the public trust requirements of the position. (For positions that are not in the competitive service, agencies may also choose to assess the public trust duties to promote consistency in the investigative process.)

#### **B. Suitability Requirements**

Assessment of public trust responsibilities is required for covered positions. Read the position description and obtain any other necessary information (e.g. management input) to determine if any of the following duties apply to the position. (The focus of this preliminary review should be on the actual duties of the position rather than on the agency mission or the program in which the position is located.) Place a check mark next to the duties that apply to the position. If any blocks are checked, go to Step 2. In Step 2 you will further evaluate the position's duties to determine the degree to which any misconduct could impact on the efficiency or integrity of the service. If none of the duties listed apply, there are no other activities that demand a significant degree of public trust that are not specifically listed, and there are no sensitive national security duties or clearance requirements (see A. above), go to step 4. The position will be designated as "Tier 1 (Low Risk)" in Step 4.

- Government rulemaking, policy, and program responsibility (includes regulation or policy making, directing, implementing, advising)
- Protection of the Nation's borders, ports and/or critical infrastructures (includes border and port security and control, immigration and customs services, telecommunications, utilities systems, air traffic systems, etc.)
- Public safety and health regulation, enforcement, and protection
- Control, custody, and disposition of hazardous materials (including nuclear, biological, and/or chemical materials)
- Law Enforcement or criminal justice duties
- Physical security, controlling facility or information technology access, and/or involvement with arms, ammunitions, or explosives
- Investigation, oversight, and audits of government personnel, programs, and activities (includes access to complete investigative files)
- Adjudication - suitability determinations, or the adjudication of other matters or claims with the potential to cause harm
- Protection of government funds (fiduciary responsibilities or other duties, such as developing statements of work, with the potential for realizing significant personal gain)
- Protection of government information technology systems (includes access to or processing of controlled unclassified information, supervision or control of information technology systems, authority to bypass significant technical and operational security controls for general support systems, or access to major applications - the scope of these duties exceed that of ordinary or routine computer use)
- Protection of personal, private, controlled unclassified, or proprietary information (includes access to or processing of personal information such as that protected by the Privacy Act (PA) of 1974, Freedom of Information Act (FOIA), financial data, government information that is for "Official Use Only," or privileged information involving the award of contracts, contractor proprietary information, etc.)
- Government service delivery, including customer service or public liaison duties
- Other activities demanding a significant degree of public trust (Specify any other specific duties that are not otherwise covered): \_\_\_\_\_



**Step 2: Determine the potential impact of the position on the efficiency or integrity of the service (public trust).**

In the Chart below, each row identifies a separate category of duties and degrees of potential damage from misconduct that could occur in a position with duties in that category. For each category of duties, check the block under the appropriate degree of potential damage from misconduct (e.g., automatic High-Risk condition, severe impact, moderate impact, limited impact, or not applicable (N/A) that best fits the position's responsibilities [at its full performance level]). Check only one block per row. If the category does not apply, mark "N/A."

**Note:** At a minimum, supervisors or managers should be included at the same level as their employees, whether or not they personally do the work described, since they hold responsibility for the outcome of the work.

Duties	Degree of Potential Damage from Misconduct				N/A
	Automatic High-Risk Conditions	Severe impact	Moderate impact	Limited impact	
Government rulemaking, policy and program responsibility	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Senior management officials for key government programs, the compromise of which could result in grave damage to the nation</li> <li>Direct involvement with diplomatic relations and negotiations</li> <li>Independent responsibility for planning or approving continuity of government operations</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Senior management duties or assignments that do not rise to the level of an automatic High-Risk condition</li> <li>Substantial responsibility for approving regulations and/or rule-making agendas for significant government programs</li> <li>Sets policy for significant government programs</li> <li>Independent agency spokesperson concerning sensitive/controversial matters</li> <li>Serves in advisory role to senior agency officials who complete one or more of the above duties</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Mid-level management duties or assignments</li> <li>Assists agency rule-makers or policy decision-makers for significant government programs in an influential way</li> <li>Responsible for independent or semi-independent action with moderate impact on efficiency and integrity of the service</li> <li>Significant public contact about important government programs</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Management duties with less than moderate impact on programs</li> <li>Regulation or policy input is limited to contributing to working groups or providing technical input</li> </ul>	<input type="checkbox"/>

<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b>Automatic High-Risk Conditions</b>	<b>Severe Impact</b>	<b>Moderate Impact</b>	<b>Limited Impact</b>	<b>N/A</b>
Protection of the Nation's borders, ports, and/or critical infrastructures	<p><input type="checkbox"/> Any of the following when the position involves major and immediate responsibility for, and the ability to act independently without detection to compromise or exploit:</p> <ul style="list-style-type: none"> <li>• The protection, control, and safety of the Nation's borders and ports, or immigration or customs controls and/or policies</li> <li>• Design, installation, operation, or maintenance of:               <ul style="list-style-type: none"> <li>○ Telecommunications systems</li> <li>○ Utilities systems, including, but not limited to, water and waste water treatment</li> <li>○ Aircraft or air traffic systems or facilities</li> <li>○ Any other critical infrastructure systems/ programs</li> </ul> </li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Position has immediate and significant responsibility for border or port control, immigration services, customs, etc., but risk of compromise or exploitation is effectively controlled through supervision, or other monitoring techniques</li> <li>• Position has immediate and significant responsibilities associated with critical infrastructures but risk of compromise or exploitation is effectively controlled through supervision, or other monitoring techniques</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Position has moderate responsibility for border or port control, immigration services, customs, etc., but either cannot act independently or actions are controlled through close supervision, or other monitoring techniques</li> <li>• Position has moderate responsibilities associated with critical infrastructures but actions are controlled through close supervision, or other monitoring techniques</li> </ul>	<p><input type="checkbox"/> The position has some association with and/or responsibility for protecting the Nation's borders, ports, and/or critical infrastructures, but the duties of the job are of a limited nature or they are carried out in such a way that the risk of compromise or exploitation is very limited</p>	[ ]

<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b>Automatic High-Risk Conditions</b>	<b>Severe Impact</b>	<b>Moderate Impact</b>	<b>Limited Impact</b>	<b>N/A</b>
Public safety and health regulation, enforcement, and protection	<input type="checkbox"/> Ability to independently damage public health and safety with devastating results on a global scale	<input type="checkbox"/> Major responsibilities regarding significant public health and safety regulation and enforcement matters, including but not limited to food and water supplies, environmental and occupational safety, transportation systems, etc. and the ability to independently compromise the health, or safety of great numbers of the American public to a serious degree	<input type="checkbox"/> Ability, alone or with others, to compromise the health, or safety of the American public to a moderate degree	<input type="checkbox"/> Threat to American public is controlled by effective oversight or other controls or potential impact is limited in scope	[ ]
Control, custody, and disposition of hazardous materials	<input type="checkbox"/> One or more of the following: <ul style="list-style-type: none"> <li>• Ability to independently compromise or exploit biological select agents and toxins, chemical agents, nuclear materials, or other hazardous materials</li> <li>• Ability to independently compromise or exploit the nation's nuclear, chemical or biological weapons designs or systems</li> </ul>	<input type="checkbox"/> Responsible for custody and disposition of hazardous materials or strategic materials that are components/ precursors of weapons of mass destruction, the compromise of which could cause severe impact on the health, safety, or security of great numbers of the American public to a serious degree	<input type="checkbox"/> Ability, alone or with others, to compromise the health, safety, or security of the American public to a moderate degree	<input type="checkbox"/> Threat to American public is controlled by effective oversight or other controls or potential impact is limited in scope	[ ]

<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b>Automatic High-Risk Conditions</b>	<b>Severe Impact</b>	<b>Moderate Impact</b>	<b>Limited Impact</b>	<b>N/A</b>
Law enforcement or criminal justice duties	<p><input type="checkbox"/> Conducts criminal investigations concerning highly sensitive criminal matters, the compromise of which could cause grave damage to the Nation</p>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Scope of authority is very broad (full arrest authority within a large jurisdiction)</li> <li>• Regular possession and use of a firearm in an open, uncontrolled environment (e.g., in a large jurisdiction; work environment has no physical boundaries)</li> <li>• Conducts criminal investigations</li> <li>• Responsible for criminal justice matters involving sensitive or controversial matters</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Scope of authority is extensive, but arrest authority is within a small jurisdiction</li> <li>• Use/possession of a firearm within a small jurisdiction</li> <li>• Conducts criminal investigations concerning routine matters</li> <li>• Exercises custodial control over inmates, detainees, suspects, etc.</li> <li>• Monitors or supervises individuals in the custody of a criminal justice system or process, i.e., probation or parole officers, etc.</li> </ul>	<p><input type="checkbox"/> Criminal justice or law enforcement duties that do not require possession and use of a firearm and/or authority is very limited in nature</p>	<p><input type="checkbox"/></p>

**Degree of Potential Damage from Misconduct**

<b>Duties</b>	<b>Automatic High-Risk Conditions</b>	<b>Severe impact</b>	<b>Moderate impact</b>	<b>Limited impact</b>	<b>N/A</b>
Physical security, controlling facility or information technology access, and/or involvement with arms, ammunition, or explosives	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Direct, unrestricted control over supplies<sup>2</sup> of arms, ammunition, or explosives</li> <li>• Control over any weapons of mass destruction</li> <li>• Unlimited access to and/or controlling access to designated restricted areas/ property that maintain SCI, TS, TS SAP or Q information and/or operations</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Responsibility for identity vetting and/or access to materials for producing credentials and badges</li> <li>• Access or control over large supplies of arms, ammunition, or explosives with limited controls to minimize risk</li> <li>• Limited access to and/or controlling access to designated restricted areas/property that contains Secret (including Secret SAP), Confidential, and L information and/or operations</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Access to moderate supplies of arms, ammunition, or explosives</li> <li>• Access to or controlling access to priority resources or property, whether designated as a restricted area or not</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Access to limited supplies of arms, ammunition, or explosives</li> <li>• Security guard positions not requiring use/possession of a firearm or involved in controlling access to restricted areas</li> </ul>	<p><input type="checkbox"/></p>
Investigation, oversight, and audits of government personnel, programs, and activities	<p><input type="checkbox"/> Conducts internal and/or external investigations, inquiries, or audits concerning highly sensitive or controversial matters, the compromise of which could cause grave harm to the Nation (for example, counterintelligence investigations)</p>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Conducts internal and/or external investigations, inquiries, or audits concerning sensitive or controversial matters (for example, Office of Inspector General investigations)</li> <li>• Any other investigative or oversight/auditing duties, the outcome or compromise of which could cause severe harm</li> </ul>	<p><input type="checkbox"/> Conducts internal and/or external non-criminal investigations, inquiries, or audits, the outcome or compromise of which could cause moderate harm</p>	<p><input type="checkbox"/> Conducts or assists in conducting Government investigations, inquiries, or audits of a routine nature, but has limited authority for independent action</p>	<p><input type="checkbox"/></p>

<sup>2</sup> The size of the supply (large, moderate, and limited) is relative to the potential damage which could be inflicted through its misuse. Therefore, there is more to consider than just the physical mass of the supply. If unclear how to evaluate the size of the supply, seek management input.

<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b>Automatic High-Risk Conditions</b>	<b>Severe Impact</b>	<b>Moderate Impact</b>	<b>Limited Impact</b>	<b>N/A</b>
Adjudication – suitability determinations, or the adjudication of other matters or claims	<p><input type="checkbox"/> Makes or recommends final suitability determinations for positions at the highest levels, or adjudicates other matters, the nature of which could cause grave harm to the Nation</p>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Adjudicates sensitive or controversial matters and claims, the outcome or compromise of which could cause severe harm to the health, safety, or financial security of large numbers of the American public, or to the mission of the underlying Government program, its fairness, efficiency, and integrity</li> <li>Makes or recommends final suitability determinations for agencies and positions the nature of which could cause harm to the Nation</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Adjudicates other matters and claims, the outcome or compromise of which could cause moderate harm to the health, safety, or financial security of individuals affected by the adjudication, or to public trust in the underlying Government program</li> <li>Adjudicates suitability of positions at the low risk levels or acts in a support capacity with regard to adjudication</li> </ul>	<p><input type="checkbox"/> Adjudicates other matters and claims where there is limited potential for harm and/or limited authority for independent action</p>	[ ]

**Degree of Potential Damage from Misconduct**

<b>Duties</b>	<b>Automatic High-Risk Conditions</b>	<b>Severe Impact</b>	<b>Moderate Impact</b>	<b>Limited Impact</b>	<b>N/A</b>
Protection of government funds <sup>3</sup>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Obligates, expends, collects or controls revenue, funds or items with monetary value in excess of \$50 million</li> <li>Procures (or secures funding for) goods and/or services with monetary value in excess of \$50 million annually, with the potential for devastating impact on government programs or operations</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Obligates, expends, collects or controls revenue, funds or items with monetary value in excess of \$10 million, but less than \$50 million annually</li> <li>Audits or analyzes budgets or other financial records, the compromise of which could cause significant impact on government programs or operations</li> <li>Procures (or secures funding for) goods and/or services with monetary value in excess of \$10 million, but less than \$50 million, annually, with potential for significant impact on government programs or operations</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Obligates, expends, collects or controls funds or items with monetary value over \$1 million, but under \$2 million, annually, where no controls or oversight are in place to limit potential impact; or \$2 million to \$10 million annually</li> <li>Audits or analyzes budgets or other financial records, with potential for moderate impact on government programs or operations</li> <li>Procures (or secures funding for) goods and/or services with monetary value exceeding \$2 million, but less than \$10 million, annually, the compromise of which could cause moderate impact on government programs or operations</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Obligates, expends, collects or controls funds or items with monetary value of less than \$2 million, but only when meaningful controls are in place to monitor the process and detect abuse; Otherwise, value may not exceed \$1 million</li> <li>Audits or analyzes budgets or other financial records, with potential for limited impact on government programs or operations</li> <li>Procures (or secures funding for) goods and/or services with monetary value less than \$2 million annually the compromise of which could cause limited impact on government programs or operations</li> </ul>	<p><input type="checkbox"/></p>

<sup>3</sup> If the dollar amount associated with fiduciary duties is unknown, obtain sufficient information about the responsibilities of the position, including the level of authority, the scope of impact, and the potential to realize personal gain, to establish whether the risk is severe, moderate, or limited. (For example, some considerations might include the scope of contracts funded, the extent of operations a budget affects, whether the individual will have signature authority to obligate funds, etc.)

<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b>Automatic High-Risk Conditions</b>	<b>Severe impact</b>	<b>Moderate impact</b>	<b>Limited impact</b>	<b>N/A</b>
Protection of government information technology systems <sup>4</sup>	<p><input type="checkbox"/> Significant involvement in life-critical/mission-critical systems in such a way that compromise or exploitation would result in loss of lives or shut down or otherwise cause grave damage to essential government operations or National infrastructure</p>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Develops/directs/implements/administers agency computer security programs, including risk analysis/threat assessment without technical review</li> <li>• Disburses or authorizes disbursement of \$10 million per year or greater from computer systems</li> <li>• Major responsibility for the direction, planning, design, testing, maintenance, operation, monitoring, and/or management of systems hardware or software</li> <li>• Automated access to a system during operation or maintenance or preparation of data for entry into a computer system in any way that creates high risk for causing severe damage or realizing significant personal gain (for example, the ability to independently manipulate data)</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Work carried out under technical review of a higher authority that involves direction, planning, design, operation, testing, maintenance, or monitoring of a computer system</li> <li>• Automated access to or processing of information systems that in any way creates moderate risk for causing damage or realizing moderate personal gain</li> <li>• Disburses or authorizes disbursement of less than \$10 million from computer systems</li> </ul>	<p><input type="checkbox"/> Automated access to or processing of sensitive but unclassified information/controlled unclassified information that is limited in scope or adequately controlled through significant monitoring and/or other methodology to oversee use and minimize risk</p>	<p><input type="checkbox"/></p>

<sup>4</sup> Includes access to or processing of controlled unclassified information, supervision or control of information technology systems, authority to bypass significant technical and operational security controls for general support systems, or access to major applications. The scope of these duties exceed that of ordinary or routine computer use.



<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b>Automatic High-Risk Conditions</b>	<b>Severe impact</b>	<b>Moderate impact</b>	<b>Limited impact</b>	<b>N/A</b>
Protection of personal, private, controlled unclassified or proprietary information (including PA and FOIA, etc.)	<input type="checkbox"/> Unlimited access and control over personal, private, proprietary, or controlled unclassified information, the unauthorized disclosure of which could cause grave damage to the integrity or efficiency of the service and/or cause grave harm to individuals or business entities, or government programs or operations nationwide to worldwide	<input type="checkbox"/> Unlimited access and control over personal, private, proprietary, or controlled unclassified information, the unauthorized disclosure of which could cause severe damage to the integrity or efficiency of the service and/or cause severe harm to individuals or business entities, or government programs or operations	<input type="checkbox"/> Access to personal, private, proprietary, or controlled unclassified information, the unauthorized disclosure of which could cause moderate damage to individuals, business entities, or government programs or operations	<input type="checkbox"/> Access to personal, private, proprietary, or controlled unclassified information, the unauthorized disclosure of which could cause limited damage to individuals, business entities, or government programs or operations or any potential damage is limited to the local level	<input type="checkbox"/>
Government service delivery, including customer service and public liaison	<input type="checkbox"/> Duties involve customer service responsibilities and/or public liaison that could cause grave damage to individuals, business entities, or government programs or operations nationwide or worldwide	<input type="checkbox"/> Duties involve customer service responsibilities and/or public liaison that could cause severe damage to individuals, business entities, or government programs or operations	<input type="checkbox"/> Duties involve customer service responsibilities and/or public liaison that could cause moderate damage to individuals, business entities, or government programs or operations	<input type="checkbox"/> Duties involve customer service responsibilities and/or public liaison that could cause limited damage to individuals, business entities, or government programs or operations	<input type="checkbox"/>
Other activities demanding public trust (describe unique factors, considerations not previously accounted for)	<input type="checkbox"/> Explain:	<input type="checkbox"/> Explain:	<input type="checkbox"/> Explain:	<input type="checkbox"/> Explain:	<input type="checkbox"/>

<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b>Automatic High-Risk Conditions</b>	<b>Severe Impact</b>	<b>Moderate impact</b>	<b>Limited impact</b>	<b>N/A</b>
	<p>If any block in this column is checked, skip step 3 and go to step 4. The position will be designated as Tier 3, "High Risk"</p>	<p>Total blocks checked in this column:            _____ X 50 = _____</p>	<p>Total blocks checked in this column:            _____ X 10 = _____</p>	<p>Total blocks checked in this column:            _____ X 1 = _____</p>	
<p><b>Total Risk Points</b>            Add totals from all three columns above _____            (go to step 3 and enter this number in the chart)</p>					

**Step 3: Point adjustment for program designation and level of supervision.**

In the Chart below, choose the appropriate adjustment value for the scope of program impact and the level of related controls from the Total Risk Points identified in step 2. (Only one column will apply)

Enter the Total Risk Points from Step 2 into the appropriate column	(50 and above)	(16 to 49)	(15 and under)
<b>Adjustment for Scope of Program and Correlation to Extent of Impact</b> (see definitions)	<input type="checkbox"/> Worldwide or government-wide impact - <b>no change</b> <input type="checkbox"/> Multi-agency impact - <b>subtract 10 points</b> <input type="checkbox"/> Agency impact - <b>subtract 20 points</b>	<input type="checkbox"/> Worldwide or government-wide impact - <b>add 20 points</b> <input type="checkbox"/> Multi-agency impact - <b>no change</b> <input type="checkbox"/> Agency impact - <b>subtract 10 points</b>	<input type="checkbox"/> Worldwide or government-wide impact - <b>add 20 points</b> <input type="checkbox"/> Multi-agency impact - <b>add 10 points</b> <input type="checkbox"/> Agency impact - <b>no change</b>
<b>Adjustment for level of supervision or other controls</b>	<input type="checkbox"/> <u>Limited</u> or no supervision - ability to act independently in almost all areas almost all of the time - <b>no change</b> <input type="checkbox"/> Periodic, ongoing review - ability to act independently a lot of the time - <b>subtract 10 points</b> <input type="checkbox"/> Close technical supervision - ability to act independently infrequently - <b>subtract 20 points</b>	<input type="checkbox"/> <u>Limited</u> or no supervision - ability to act independently in almost all areas almost all of the time - <b>add 20 points</b> <input type="checkbox"/> Periodic, ongoing review - ability to act independently a lot of the time - <b>no change</b> <input type="checkbox"/> Close technical supervision - ability to act independently infrequently - <b>subtract 10 points</b>	<input type="checkbox"/> <u>Limited</u> or no supervision - ability to act independently in almost all areas almost all of the time - <b>add 20 points</b> <input type="checkbox"/> Periodic, ongoing review - ability to act independently a lot of the time - <b>add 10 points</b> <input type="checkbox"/> Close technical supervision - ability to act independently infrequently - <b>no change</b>
<b>Final Adjusted Risk Points</b>	<b>Total:</b>	<b>Total:</b>	<b>Total:</b>

**Step 4: Final Position, Designation and Investigation Requirements.**

Use the following chart to determine the final position designation and required investigation. Note that for those positions designated as "Non-Sensitive" (no clearance or other sensitive national security duties) or "Noncritical-Sensitive" (duties with potential to cause damage to the national security, up to and including damage at the significant or serious level, including, but not limited to, access to classified material at the Secret, Confidential, or "L" level), the over-riding consideration in the final designation will depend on the designation level associated with the public trust responsibilities of the position.

Designation Level	National Security		Suitability			
	Positions Covered	Investigation Required	Form	Positions Covered	Investigation Required	Form
Tier 3	<p>Requires eligibility for access to classified material at the SCI/TS SAP/TS/"Q" level, or duties have potential for exceptionally grave or inestimable damage to National Security</p> <p><b>"Special-Sensitive" "Critical-Sensitive"</b></p> <p style="text-align: center;"><b>OR</b></p> <p>Position has the potential to cause damage to the national security, up to and including damage at the significant or serious level and/or requires eligibility for access to classified material at the Secret, Confidential, "L" level</p> <p><b>"Noncritical-Sensitive"</b></p> <p style="text-align: center;"><b>AND</b></p> <p>50 or more Final Adjusted Risk Points (Suitability)</p>	SSBI	SF 86	<p><b>"High Risk"</b></p> <p>50 or more Final Adjusted Risk Points</p>	BI	SF 85P

Designation Level	National Security			Suitability		
	Positions Covered	Investigation Required	Form	Positions Covered	Investigation Required	Form
<b>Tier 2</b>	Position has the potential to cause damage to the national security, up to and including damage at the significant or serious level and/or requires eligibility for access to classified material at the Secret, Confidential, "L" level, "Noncritical-Sensitive"  OR "Noncritical-Sensitive" AND 32 to 49 Final Adjusted Risk Points  OR "Noncritical-Sensitive" AND 16 to 31 Final Adjusted Risk Points	ANACI for Federal Employees NACLC for Contractor	SF 86	"Moderate Risk"  32 to 49 Final Adjusted Risk Points  16 to 31 Final Adjusted Risk Points	LBI  MBI	SF 85P
<b>Tier 1</b>  Note: Identity verification under HSPD-12 occurs at this level, unless the position requires a higher level of investigation.	No clearance or other sensitive national security duties "Non-sensitive"  (NOTE: The Final Adjusted Risk Points will dictate the final investigative requirement for Non-Sensitive positions. If these points exceed 15, refer to Tiers 2 & 3 under "Suitability" to determine the required investigation.)	NACI	SF 85	"Low Risk"  15 and under Final Adjusted Risk Points	NACI	SF 85
<b>Designator Notes/Justification/Comments:</b>						

Designator's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Management Survey

(For position risk designation)

<b>Position Location</b>	
<b>Position Title</b>	
<b>Grade and Series/Pay Band</b>	
<b>Manager/Supervisor/Lead Name and Telephone Number</b>	

**Instructions:** As someone intimately familiar with agency needs and expectations in your workgroup, your input is essential in determining the appropriate risk designation level and investigative requirements for the above position. Please provide responses to the following questions.

1. Does this position require access or eligibility for access to classified information?  YES  NO

If yes, please specify the level of access:

2. Does the position involve other National Security duties?  YES  NO

If yes, please specify:

3. Does the position involve fiduciary responsibilities?  YES  NO

If yes, please specify the level:

More than \$50 million       \$10 to 50 million  
 Under \$2 million               \$2 to 10 million

4. What level of supervision does this position receive?

Limited: Occasional review to ensure adherence to major policies; however, the individual conducting the review is not a technical expert.

Periodic: Ongoing spot review to ensure adherence to organizational policy and other concerns; the reviewer has relevant technical expertise.

Close Technical: All work is reviewed by a technical expert.

5. Does the position involve public contact/interaction duties?  YES  NO

If yes, please explain the extent of interaction:

6. Does the position involve access to or control over personal, private, sensitive but unclassified, controlled unclassified, or proprietary information?  YES  NO

If yes, please explain:

7. Other (to be specified by the position risk designator):

8. Manager/Supervisor/Lead additional comments or additional duties/factors warranting consideration:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Questions and Answers

1. What is meant by the terms Q, L, SCI, and SAP?  
**Q and L are levels of classification specific to the Department of Energy and Nuclear Regulatory Commission. SAP refers to Special Access Programs, programs established for specific classes of classified information that impose safeguarding and access requirements exceeding those normally required for information at the same classification level (e.g., at the Secret or Top Secret level). SCI refers to Sensitive Compartmented Information, which is classified information concerning or derived from intelligence sources, methods, or analytical processes requiring handling exclusively within formal access control systems established by the intelligence community. If you are unsure, refer to your agency's security office to decide if these terms are considerations in your position risk designations.**
2. How would I know if a particular position requires access or eligibility for access to classified information?  
**The answer to this question (if not outlined in the position description) should come from your agency's security office and/or responsible management officials.**
3. Why is the duty "Protection of the Nation's borders, ports and/or critical infrastructures..." not sufficient to establish a position as a National Security position?  
**Many of these positions are National Security positions. However, the category is included for any positions that do not meet the definition of a National Security position. 5 CFR 732.102 defines a National Security position as: "(1) Those positions that involve activities of the Government that are concerned with the protection of the nation from foreign aggression or espionage, including development of defense plans or policies, intelligence or counterintelligence activities, and related activities concerned with the preservation of the military strength of the United States; and (2) Positions that require regular use of, or access to, classified information." While those Federal employees engaging in activities involving the protection of our Nation's borders, ports and/or critical infrastructures are doing so in support of efforts to keep the United States secure, their positions, by definition may not necessarily be "National Security positions." If the employing agency has defined the job as a National Security position, one of the elements listed in Step 1.A. will be applicable.**

4. Why are duties related to the continuity of government operations (COOP) not sufficient to establish a position as a National Security position?

**Some COOP position duties, responsibilities or access requirements (elements listed in Step 1.A.) may justify designating a position as a National Security position; however, that is not the case with all COOP positions. Please refer to the definition of National Security positions in the preceding answer.**

5. Why is the pay grade of the position not factored in Step 2?

**A position's pay grade does not necessarily influence the degree of risk or autonomy associated with the position. For example, the degree of potential damage from misconduct could be much greater for a GS-07 Police Officer carrying a weapon and operating independently on an agency installation in a high crime area than for a GS-07 teleservice representative assisting the public with Social Security issues. Likewise, when compared to the same police officer, there could be a lesser degree of potential damage from misconduct for a GS-12 claims representative processing Social Security claims, or a GS-11 accountant who has periodic supervision, analyzing data and records to generate recurring reports which might only have local agency impact. Therefore, the factoring of pay grade could lead to some positions being over-investigated and other positions being under-investigated.**

6. What efforts will be made to train users of the new system for Position Designation of National Security and Public Trust Positions?

**OPM issuances will provide guidance for the application of the system and available training (i.e. the USDA Graduate School Suitability Adjudications Course) will be amended accordingly; however, agencies will need to make certain that employees tasked with position designation responsibilities are sufficiently versed in the scope of duties related to agency positions, and all necessary resources (i.e. position descriptions, management input, etc.), are available to them.**

7. Why can't OPM provide more specific definitions and illustrative examples to help discern a meaningful distinction between the degrees of impact in determining the potential damage from misconduct?

**The Glossary which accompanies the Position Designation System discusses the terms and provides further definitions. To determine the differences between the degrees of impact, each term must be carefully evaluated against each of the other terms as defined by the associated bulleted examples and clarifying remarks in each duty's column. Put differently,**



look at the particular duty, and then evaluate the entire row of information to establish the scope of these terms within the context of the category.

Position duties can be very broad and change from agency to agency. The system, as written, allows the designator to make a decision specific to the position at hand and to assign a higher or lower degree of potential damage as appropriate and justified. To provide more narrow definitions or examples more specific than those already provided is to run the risk of a position being designated incorrectly simply due to a specific example being cited or one not being cited. For example, a particular position could be assigned a degree of potential damage at the moderate impact level simply because it was used as an example in that column; however, there may be a legitimate reason to assign a higher or lower degree of potential damage due to factors specific to the position.

8. Why are the dollar amounts listed under the impact levels for the duty "Protection of government funds" set so high?

The dollar amounts used were based upon amounts previously considered in the process of designating position risk. Those amounts were increased after receiving agency comments that the dollar amounts used under moderate risk were too conservative given the relatively high costs of small projects, contracts, and all goods and services.

9. Will those dollar amounts be adjusted for inflation?

When an adjustment is deemed appropriate because the dollar amounts are no longer realistic, the amounts will be changed; however, these amounts should be sufficient for some time to come.

10. What is the connection between the tier designation, risk, and sensitivity in Step 4?

The designation level (Tiers 1 - 3) is the end result to the entire process. If in Step 1.A. either Special-Sensitive or Critical-Sensitive is selected, the final determination will always be Tier 3 (National Security). If none of the considerations in Step 1.A. or B. apply to the position in question, it will be designated as Tier 1 (Low Risk). Otherwise, after considering Steps 1 through 3 and calculating the risk points, the results will be applied to the table in Step 4 to ascertain the final designation level or tier. The level of investigation is indicated and necessary investigative form will be dictated by whether the position falls in the "National

**Security" or "Suitability" column (e.g. Tier 2 (National Security) requiring an SF 86, or Tier 2 (Moderate Risk) requiring an SF 85P).**

11. Why does Step 4 show a Standard Form (SF) 85P instead of a SF 86 being used to request investigations for Tiers 2 and 3 under the suitability column?  
**The SF 86 should only be used for National Security positions. The SF 85P was specifically designed for investigations related to public trust positions.**
12. Why can't there be a minimum risk designation established for each individual Federal job series, with agencies given the latitude to adjust the risk designation for special circumstances on a case-by-case basis?  
**As illustrated by the considerations applied in the position designation process (varying duties, scope of program adjustment, adjustment for the level of supervision, etc.) a standardized, universal designation would not be a practical alternative to the evaluation of the degree of potential damage from misconduct associated with a given position within a given environment.**
13. Why can't agencies be afforded the latitude to adjust the outcome of the system if necessary on a case-by-case basis?  
**All positions are designated at a minimum as Tier 1. Since agencies and agency managers are better equipped to ascertain the potential damage associated with a position based on the considerations mentioned above, the designation of a position beyond Tier 1 is best decided by the agency, consistent with 5 CFR 731.106.**  
**Agency regulatory guidance cannot supersede OPM's position designation system. Final position designations cannot be upgraded or downgraded by the agency. Rather, the agency must investigate the position at the level dictated by the designation process. In rare situations, the designator may know of a particular duty that is not adequately covered by the designation system, but that would clearly warrant a public trust designation (and a higher level of investigation.) In those situations, the agency has the latitude to explain the duty and record its level of impact in the "duties" section under, "Other activities demanding public trust..." Similarly, if the selections under the "Degree or Potential Damage for Misconduct" do not include language specific enough to explain the designator's reasoning in selecting a particular level of impact, the designator may add an explanation for his/her selection in the space provided above the designator's signature after step 4.**

14. Why can't OPM mandate the inclusion in the position descriptions of all the information that must be considered in the position designation system?

**Position descriptions are often a generic description of duties that cover a wide range of positions with differing position designations. For example, an organization may have 10 GS-201-13 Labor Relations Specialists assigned to the Labor and Employee Relations Division. All 10 will be on the same position description, yet one of the 10 may be assigned to a classified operation, requiring his/her position designation to be different from the other 9 employees. Mandating the inclusion in the position descriptions would require in many instances separate position descriptions based solely on the position designation of the person, given his/her access to classified information. OPM gives agencies the flexibility to determine the appropriate format and information to include in their position descriptions. There is nothing to preclude an agency from including position designation information if they so choose.**

**Beyond the inclusion of additional information in the position descriptions, designators should possess sufficient experience to adequately assess the positions within the agency utilizing the existing position descriptions supplemented by information from the agency's security office and knowledgeable management personnel.**

**Final designations should rest with either Human Resource Specialists or Security Specialists who have been trained in the position designation process. Input from managers should be sought to obtain any missing information necessary to complete the designation. A "Management Survey" has been created to assist designators in soliciting information from managers. The survey is generic and asks for information commonly missing from position descriptions. Agencies may either use this Management Survey or create one more tailored to agency needs.**

15. Don't most positions involve some kind of access to information technology systems, i.e. computers? **Probably. However, in the position designation system, the concern is with position duties beyond those of an ordinary or routine computer user, specifically, duties involving a degree of access to or processing of controlled unclassified information, supervision or control of information technology systems, authority to bypass significant technical and operational security controls for general support systems, or access to major applications (see OMB Circular A-130, appendix III; 5 C.F.R. 731.102(b)).**

16. What about positions which are not covered by 5 CFR part 731; should an agency still assess the public trust responsibilities of those positions?

**The definition of *covered positions* changed in 5 CFR part 731 effective June 16, 2008. Covered position means a position in the competitive service, a position in the excepted service where the incumbent can be noncompetitively converted to the competitive service, and a career appointment to a position in the Senior Executive Service. For those which are not *covered positions*, agencies may choose to assess the public trust responsibilities associated with the positions to promote consistency in the investigative process. (See 5 C.F.R. 6.3(b).)**

17. Where should agencies record the final position designation, and where is the Position Designation Record maintained?

**Agencies should record the final position designation on the Optional Form 8 (Position Description) or equivalent agency document, as well as in the Remarks section of the Standard Forms 50 and 52. A signed copy of the Position Designation Record (or signed Automated Tool printout) should be maintained with the original (signed) position description. The Position Designation Record is not intended to be distributed with copies of the position description (i.e. to the employee or supervisor).**

# GLOSSARY

<b>NATIONAL SECURITY POSITIONS</b>	As defined in 5 CFR 732.102: (1) Those positions that involve activities of the Government that are concerned with the protection of the Nation from foreign aggression or espionage, including development of defense plans or policies, intelligence or counterintelligence activities, and related activities concerned with the preservation of the military strength of the United States; and (2) Positions that require regular use of, or access to, classified information. (See Q&A for further discussion.)
<b>DAMAGE TO THE NATIONAL SECURITY</b>	As defined in E.O. 12958: Harm to the national defense or foreign relations of the United States from the unauthorized disclosure of information, taking into consideration such aspects of the information as the sensitivity, value, utility, and provenance of that information.
<b>INESTIMABLE DAMAGE</b>	The capacity to cause harm too severe to be computed or measured.
<b>EXCEPTIONALLY GRAVE DAMAGE</b>	The capacity to cause extremely serious harm.
<b>CRITICAL AND EXTREMELY IMPORTANT ITEMS OF WAR AGENCY</b>	Those items vital to success in war, or without which success would be unlikely.
<b>SIGNIFICANT PERSONAL GAIN</b>	An Executive agency, which is defined by 5 U.S.C. 105 as an Executive department, a Government corporation, and an independent establishment. Noticeably or measurably benefiting an individual's interests in a substantial way (e.g. a large monetary or other valuable personal benefit, benefit to one's family or friends, etc; providing a level of affluence or a lifestyle otherwise not justifiable).

# GLOSSARY

<p><b>CUSTOMER SERVICE</b></p>	<p>Customer care duties that support the delivery of an agency's services. The scope of the word "customer" would be defined based upon the duties outlined in the position description. For example, one agency's customers might be other Government agencies, but a different agency may primarily serve non-Government entities or the general public (e.g. the duties of employees with the General Services Administration vs. those of a Social Security Administration employee); however, that is not to suggest every employee of those agencies would be assumed to have customer service responsibilities; that is defined by the specific duties of the job.</p>
<p><b>INFORMATION TECHNOLOGY SYSTEM</b></p>	<p>As defined in OMB Circular A-130. Any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information.</p>
<p><b>Broad glossarial meanings for the terms <i>automatic high-risk conditions</i>, <i>severe impact</i>, <i>moderate impact</i>, and <i>limited impact</i> are to follow; however, to recognize their complete meaning in the chart in Step 2, each term should be evaluated against each of the other terms as defined by the associated bulleted examples/clarifying remarks in each duty's column. In other words, look at the particular duty, then evaluate the entire row of information to establish the scope of these terms within the context of the row. In so doing, you will determine the potential damage to the integrity and efficiency of the service and the public's trust.</b></p>	
<p><b>AUTOMATIC HIGH-RISK CONDITIONS</b></p>	<p>These conditions are duties that present the possibility of grave impact, likely to produce inestimable harm or danger – exceptionally serious damage that is devastating in scope or effect.</p>
<p><b>SEVERE IMPACT</b></p>	<p>Likely to produce a substantial degree of harm or danger – very serious damage that is extensive in scope or effect.</p>
<p><b>MODERATE IMPACT</b></p>	<p>Likely to produce a fair amount of harm or danger – serious damage that is fairly wide-ranging in scope or effect.</p>
<p><b>LIMITED IMPACT</b></p>	<p>Likely to produce some harm or danger – discernable damage that is narrow in scope or effect.</p>

# GLOSSARY

The following provides further explanation for levels of supervisory control. These explanations have been supplemented by information found in the Introduction to the Position Classification Standards at <http://www.opm.gov/fedclass/gsintr.pdf>. Although the document only applies to General Schedule positions, the assessment of supervisory controls discussed in the document, and broken down into levels, seems well suited as a guide to simplify the adjustment for supervision in Step 3 of the Position Designation System. Specifically, Levels 2-1 and 2-2 would indicate "close technical supervision," Levels 2-3 and 2-4 would indicate "periodic, ongoing review," and Level 2-5 would indicate "limited or no supervision." In the following meanings, a general explanation is provided in bold italics, followed by a supplemental explanation adapted from information in the Introduction to the Position Classification Standards.

## LIMITED OR NO SUPERVISION

*Occasional review from a perspective of major policy issues by a superior who likely has no relevant expertise in the technical aspects of the duties performed.*

The supervisor provides administrative direction with assignments in terms of broadly defined missions or functions. The employee has responsibility for independently planning, designing, and carrying out programs, projects, studies, or other work. Results of the work are considered technically authoritative and are normally accepted without significant change. If the work should be reviewed, the review concerns such matters as fulfillment of program objectives, effect of advice and influence on the overall program, or the contribution to the advancement of technology. Recommendations for new projects and alteration of objectives usually are evaluated for such considerations as availability of funds and other resources, broad program goals, or national priorities.

## PERIODIC REVIEW

*Ongoing spot review from a perspective of policy and organizational concerns by a superior with expertise in the technical aspects of the duties performed.*

The supervisor sets the overall objectives and resources available. The employee and supervisor, in consultation, develop deadlines, projects, and work to be done. The employee, having developed expertise in the line of work, is responsible for planning and carrying out the assignment, resolving most of the conflicts that arise, coordinating the work with others as necessary, and interpreting policy on own initiative in terms of established objectives. In some assignments, the employee also determines the

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approach to be taken and the methodology to be used. The employee keeps the supervisor informed of progress and potentially controversial matters. Completed work is reviewed only from an overall standpoint in terms of feasibility, compatibility with other work, or effectiveness in meeting requirements or expected results.

**OR**

The supervisor makes assignments by defining objectives, priorities, and deadlines and assists the employee with unusual situations that do not have clear precedents. The employee plans and carries out the successive steps and handles problems and deviations in the work assignments in accordance with instructions, policies, previous training, or accepted practices in the occupation. Completed work is usually evaluated for technical soundness, appropriateness, and conformity to policy and requirements. The methods used in arriving at the end results are not usually reviewed in detail.

## **CLOSE TECHNICAL SUPERVISION**

### ***Continuing review of all work by a technical expert.***

The supervisor provides continuing or individual assignments by indicating generally what is to be done, limitations, quality and quantity expected, deadlines, and priority of assignments. The supervisor provides additional, specific instructions for new, difficult, or unusual assignments, including suggested work methods or advice on source material available. The employee uses initiative in carrying out recurring assignments independently without specific instructions, but refers deviations, problems, and unfamiliar situations not covered by instructions to the supervisor for decision or help. The supervisor assures that finished work and methods used are technically accurate and in compliance with instructions or established procedures. Review of the work increases with more difficult assignments if the employee has not previously performed similar assignments.

**OR**



## GLOSSARY

For both one-of-a-kind and repetitive tasks, the supervisor makes specific assignments accompanied by clear, detailed, and specific instructions. The employee works as instructed and consults with the supervisor as needed on all matters not specifically covered in the original instructions or guidelines. For all positions the work is closely controlled. For some positions, the control is through the structured nature of the work; for others, it may be controlled by the circumstances in which it is performed. In some situations, the supervisor maintains control through review of the work. This may include checking progress or reviewing completed work for accuracy, adequacy, and adherence to instructions and established procedures.

Tab B

## POSITION DESIGNATION OF NATIONAL SECURITY AND PUBLIC TRUST POSITIONS

This system is for position designation of National Security positions, positions in the competitive service, positions in the excepted service where the incumbent can be noncompetitively converted to the competitive service, and initial career appointments in the Senior Executive Service (SES).

The designation of covered positions<sup>1</sup> is outlined in section 731.106 of title 5, Code of Federal Regulations. Every covered position must be designated at the low, moderate, or high risk level as determined by the position's potential for adverse impact on the efficiency and integrity of the service. As the level of authority and responsibility of a position become greater, character and conduct become more significant in deciding whether employment or continued employment would protect the integrity or promote the efficiency of the Federal service.

The designation of National Security positions is outlined in section 3 of E.O. 10450, as amended, and in section 732.201 of title 5, Code of Federal Regulations. Each position in the Federal service not designated as Non-Sensitive must be designated as Noncritical-Sensitive, Critical-Sensitive, or Special-Sensitive, depending on the degree to which, by virtue of the nature of the position, the occupant could bring about a material adverse effect on the national security. The nature of the position includes the incumbent's foreseeable need for access to classified information; under E.O. 12968, eligibility for access to classified information cannot be granted unless such access is clearly consistent with the national security. The nature of the position also includes the level of clearance required (i.e., confidential, secret, or top secret); under E.O. 12958, as amended, the level at which information is classified depends on whether unauthorized disclosure reasonably could be expected to cause "damage," "serious damage," or "exceptionally grave damage" to the national security.

Proper position designation is based on a combined assessment of the three prescribed levels of risk and the four prescribed levels of sensitivity (including the "non-sensitive" level). Position designation determines what type of investigation is required and how closely an individual is screened for a position.

In order to determine the proper designation of a position, the position description and any other necessary supplemental information (e.g. management and security office input) must be carefully evaluated to assess the nature of the position in terms of its clearance requirements or any other impact on national security as well as its impact on the efficiency or integrity of the service. The following four-step process will result in a final designation which, in turn, will dictate the investigative requirements for the position in question. **(Note that underlined words and phrases appearing on this page and throughout the following pages are further defined in the attached Glossary.)**

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<sup>1</sup> As defined in 5 CFR 731.101, covered position means a position in the competitive service, a position in the excepted service where the incumbent can be noncompetitively converted to the competitive service, and a career appointment to a position in the Senior Executive Service.

## POSITION DESIGNATION RECORD

<b>Agency</b>	
<b>Position Title</b>	
<b>Series and Grade/Pay Band</b>	
<b>Position Description Number</b>	
<b>Designator's Name &amp; Title</b>	

### Step 1: Assess the Nature of the Position

#### A. National Security Requirements of the Position:

This step is required for any position in the Federal service when the duties of the position require eligibility for access to classified material or otherwise impact the national security. Mark the block that applies and follow the instructions.

**Special-Sensitive** - Positions with the potential to cause inestimable damage to the national security, including:

- (1) Access to Sensitive Compartmented Information (SCI)
  - (2) Access to any other intelligence-related Special Sensitive information or involvement in Top Secret Special Access Programs (SAP)
  - (3) Any other position the agency head determines to be at a higher level than Critical-Sensitive due to special requirements that complement E.O.10450 and E.O. 12968
- SPECIFY: \_\_\_\_\_

**For these positions, the final designation will always be Tier 3 (National Security);** Skip steps 1b, 2 and 3 and go to Step 4, as further determination of the potential impact on the efficiency or integrity of the service will not be necessary for the designation process.

**Critical-Sensitive** - Positions with the potential to cause exceptionally grave damage to the national security, including:

- (1) Access to Top Secret or "Q" classified information
  - (2) Development or approval of war plans, or plans or particulars of future major or special operations of war, or critical and extremely important items of war
  - (3) National security policy-making or policy-determining positions, the duties of which have the potential to cause exceptional or grave damage to the national security
  - (4) Investigative duties, the nature of which have the potential to cause exceptional or grave damage to the national security, such as counterintelligence investigations
  - (5) The adjudication, recommendation of adjudicative determinations, and/or granting of personnel security clearances
  - (6) Duty on personnel security boards
  - (7) Any other positions related to national security requiring the same degree of trust
- SPECIFY: \_\_\_\_\_

**For these positions, the final designation will always be Tier 3 (National Security);** Skip steps 1b, 2 and 3 and go to Step 4, as further determination of the potential impact on the efficiency or integrity of the service will not be necessary for the designation process.

**Noncritical-Sensitive** - Positions with the potential to cause damage to the national security, up to and including damage at the significant or serious level. These positions include:

- (1) Access to Secret, "L," Confidential classified information
- (2) Any other positions with the potential to cause harm to national security to a moderate degree (these positions do not rise to the level of the positions listed above.) SPECIFY:

**For Noncritical-Sensitive and Non-Sensitive positions, you must proceed with Step 1.B. before determining the final position designation.** 5 CFR part 731 requires an assessment of the public trust responsibilities of covered positions. Continue to step 1.B., since the final designation may be affected by the public trust requirements of the position. (For positions that are not in the competitive service, agencies may also choose to assess the public trust duties to promote consistency in the investigative process.)

#### B. Suitability Requirements

Assessment of public trust responsibilities is required for covered positions. Read the position description and obtain any other necessary information (e.g. management input) to determine if any of the following duties apply to the position. (The focus of this preliminary review should be on the actual duties of the position rather than on the agency mission or the program in which the position is located.) Place a check mark next to the duties that apply to the position. If any blocks are checked, go to Step 2. In Step 2 you will further evaluate the position's duties to determine the degree to which any misconduct could impact on the efficiency or integrity of the service. If none of the duties listed apply, there are no other activities that demand a significant degree of public trust that are not specifically listed, and there are no sensitive national security duties or clearance requirements (see A. above), go to step 4. The position will be designated as "Tier 1 (Low Risk)" in Step 4.

- Government rulemaking, policy, and program responsibility (includes regulation or policy making, directing, implementing, advising)
- Protection of the Nation's borders, ports and/or critical infrastructures (includes border and port security and control, immigration and customs services, telecommunications, utilities systems, air traffic systems, etc.)
- Public safety and health regulation, enforcement, and protection
- Control, custody, physical protection and disposition of hazardous materials (e.g. biological select agents and toxins, chemical agents, and nuclear or radiological materials)
- Law Enforcement or criminal justice duties
- Physical security, controlling facility or information technology access, and/or involvement with arms, ammunitions, or explosives
- Investigation, oversight, and audits of government personnel, programs, and activities (includes access to complete investigative files)
- Adjudication - suitability determinations, or the adjudication of other matters or claims with the potential to cause harm
- Protection of government funds (fiduciary responsibilities or other duties, such as developing statements of work, with the potential for realizing significant personal gain)
- Protection of government information technology systems (includes access to or processing of controlled unclassified information, supervision or control of information technology systems, authority to bypass significant technical and operational security controls for general support systems, or access to major applications - the scope of these duties exceed that of ordinary or routine computer use)
- Protection of personal, private, controlled unclassified, or proprietary information (includes access to or processing of personal information such as that protected by the Privacy Act (PA) of 1974, Freedom of Information Act (FOIA), financial data, government information that is for "Official Use Only," or privileged information involving the award of contracts, contractor proprietary information, etc.)
- Government service delivery, including customer service or public liaison duties
- Other activities demanding a significant degree of public trust (Specify any other specific duties that are not otherwise covered):

**Step 2: Determine the potential impact of the position on the efficiency or integrity of the service (public trust).**

In the Chart below, each row identifies a separate category of duties and degrees of potential damage from misconduct that could occur in a position with duties in that category. For each category of duties, check the block under the appropriate degree of potential damage from misconduct (e.g., automatic High-Risk condition, severe impact, moderate impact, limited impact, or not applicable (N/A) that best fits the position's responsibilities [at its full performance level]). Check only one block per row. If the category does not apply, mark "N/A."

**Note:** At a minimum, supervisors or managers should be included at the same level as their employees, whether or not they personally do the work described, since they hold responsibility for the outcome of the work.

<b>Duties</b>	<b>Degree of Potential Damage from Misconduct</b>			
	<u>Automatic High-Risk Conditions</u>	<u>Severe impact</u>	<u>Moderate impact</u>	<u>Limited impact</u>
Government rulemaking, policy and program responsibility	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Senior management officials for key government programs, the compromise of which could result in grave damage to the nation</li> <li>• Direct involvement with diplomatic relations and negotiations</li> <li>• Independent responsibility for planning or approving continuity of government operations</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Senior management duties or assignments that do not rise to the level of an automatic High-Risk condition</li> <li>• Substantial responsibility for approving regulations and/or rule-making agendas for significant government programs</li> <li>• Sets policy for significant government programs</li> <li>• Independent agency spokesperson concerning sensitive/controversial matters</li> <li>• Serves in advisory role to senior agency officials who complete one or more of the above duties</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Mid-level management duties or assignments</li> <li>• Assists agency rule-makers or policy decision-makers for significant government programs in an influential way</li> <li>• Responsible for independent or semi-independent action with moderate impact on efficiency and integrity of the service</li> <li>• Significant public contact about important government programs</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Management duties with less than moderate impact on programs</li> <li>• Regulation or policy input is limited to contributing to working groups or providing technical input</li> </ul>
				<p>N/A</p>

<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b><u>Automatic High-Risk Conditions</u></b>	<b><u>Severe impact</u></b>	<b><u>Moderate impact</u></b>	<b><u>Limited impact</u></b>	<b>N/A</b>
Protection of the Nation's borders, ports, and/or critical infrastructures	<p><input type="checkbox"/> Any of the following when the position involves major and immediate responsibility for, and the ability to act independently without detection to compromise or exploit:</p> <ul style="list-style-type: none"> <li>• The protection, control, and safety of the Nation's borders and ports, or immigration or customs controls and/or policies</li> <li>• Design, installation, operation, or maintenance of:               <ul style="list-style-type: none"> <li>○ Telecommunications systems</li> <li>○ Utilities systems, including, but not limited to, water and waste water treatment</li> <li>○ Aircraft or air traffic systems or facilities</li> <li>○ Any other critical infrastructure systems/ programs</li> </ul> </li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Position has immediate and significant responsibility for border or port control, immigration services, customs, etc., but risk of compromise or exploitation is effectively controlled through supervision, or other monitoring techniques</li> <li>• Position has immediate and significant responsibilities associated with critical infrastructures but risk of compromise or exploitation is effectively controlled through supervision, or other monitoring techniques</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Position has moderate responsibility for border or port control, immigration services, customs, etc., but either cannot act independently or actions are controlled through close supervision, or other monitoring techniques</li> <li>• Position has moderate responsibilities associated with critical infrastructures but actions are controlled through close supervision, or other monitoring techniques</li> </ul>	<p><input type="checkbox"/> The position has some association with and/or responsibility for protecting the Nation's borders, ports, and/or critical infrastructures, but the duties of the job are of a limited nature or they are carried out in such a way that the risk of compromise or exploitation is very limited</p>	[ ]

Degree of Potential Damage from Misconduct					
Duties	Automatic High-Risk Conditions	Severe impact	Moderate impact	Limited impact	N/A
Public safety and health regulation, enforcement, and protection	<p><input type="checkbox"/> Ability to independently damage public health and safety with devastating results on a global scale</p>	<p><input type="checkbox"/> Major responsibilities regarding significant public health and safety regulation and enforcement matters, including but not limited to food and water supplies, environmental and occupational safety, transportation systems, etc. and the ability to independently compromise the health, or safety of great numbers of the American public to a serious degree</p>	<p><input type="checkbox"/> Ability, alone or with others, to compromise the health, or safety of the American public to a moderate degree</p>	<p><input type="checkbox"/> Threat to American public is controlled by effective oversight or other controls or potential impact is limited in scope</p>	<p><input type="checkbox"/></p>
Control, custody, physical protection and disposition of hazardous materials (e.g. biological select agents and toxins, chemical agents, and nuclear or radiological materials) <sup>2</sup>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Ability to independently compromise or exploit biological select agents and toxins, chemical agents, nuclear or radiological materials, or other hazardous materials the compromise of which could cause grave impact on the health, safety and/or security of the American public.</li> <li>Ability to independently compromise or exploit the nation's nuclear, radiological, chemical or biological defense.</li> </ul>	<p><input type="checkbox"/> Responsible for custody, physical protection, and disposition of hazardous materials or strategic materials that are components/precursors of weapons of mass destruction, the compromise of which could cause severe impact on the health, safety and/or security of the American public.</p>	<p><input type="checkbox"/> Ability, alone or with others, to compromise the health, safety, or security of the American public to a moderate degree</p>	<p><input type="checkbox"/> Threat to American public is negligible due to combined effective procedural, physical, and oversight processes applied in such a way as to minimize or eliminate the potential for compromise introduced through employee negligence, malfeasance or deliberate intent.</p>	<p><input type="checkbox"/></p>

<sup>2</sup> In determining the "Degree of Potential Damage from Misconduct," the particular nature and volume of hazardous materials involved must be weighed against the relative potential impact possible from their misuse. If unsure how to evaluate these factors, consult the appropriate agency subject matter expert.



<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b><u>Automatic High-Risk Conditions</u></b>	<b><u>Severe impact</u></b>	<b><u>Moderate impact</u></b>	<b><u>Limited impact</u></b>	<b>N/A</b>
Law enforcement or criminal justice duties	<p><input type="checkbox"/> Conducts criminal investigations concerning highly sensitive criminal matters, the compromise of which could cause grave damage to the Nation</p>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Scope of authority is very broad (full arrest authority within a large jurisdiction)</li> <li>• Regular possession and use of a firearm in an open, uncontrolled environment (e.g., in a large jurisdiction; work environment has no physical boundaries)</li> <li>• Conducts criminal investigations</li> <li>• Responsible for criminal justice matters involving sensitive or controversial matters</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Scope of authority is extensive, but arrest authority is within a small jurisdiction</li> <li>• Use/possession of a firearm within a small jurisdiction</li> <li>• Conducts criminal investigations concerning routine matters</li> <li>• Exercises custodial control over inmates, detainees, suspects, etc.</li> <li>• Monitors or supervises individuals in the custody of a criminal justice system or process, i.e., probation or parole officers, etc.</li> </ul>	<p><input type="checkbox"/> Criminal justice or law enforcement duties that do not require possession and use of a firearm and/or authority is very limited in nature</p>	<p><input type="checkbox"/></p>

<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b>Automatic High-Risk Conditions</b>	<b>Severe impact</b>	<b>Moderate impact</b>	<b>Limited impact</b>	<b>N/A</b>
Physical security, controlling facility or information technology access, and/or involvement with arms, ammunition, or explosives	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Direct, unrestricted control over supplies<sup>3</sup> of arms, ammunition, or explosives</li> <li>Control over any weapons of mass destruction</li> <li>Unlimited access to and/or controlling access to designated restricted areas/ property that maintain: SCI, TS, TS SAP or Q information and/or operations</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Responsibility for identity vetting and/or access to materials for producing credentials and badges</li> <li>Access or control over large supplies of arms, ammunition, or explosives with limited controls to minimize risk</li> <li>Limited access to and/or controlling access to designated restricted areas/property that contains Secret (including Secret SAP), Confidential, and L information and/or operations</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Access to moderate supplies of arms, ammunition, or explosives</li> <li>Access to or controlling access to priority resources or property, whether designated as a restricted area or not</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Access to limited supplies of arms, ammunition, or explosives</li> <li>Security guard positions not requiring use/possession of a firearm or involved in controlling access to restricted areas</li> </ul>	[ ]
Investigation, oversight, and audits of government personnel, programs, and activities	<p><input type="checkbox"/> Conducts internal and/or external investigations, inquiries, or audits concerning highly sensitive or controversial matters, the compromise of which could cause grave harm to the Nation (for example, counterintelligence investigations)</p>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>Conducts internal and/or external investigations, inquiries, or audits concerning sensitive or controversial matters (for example, Office of Inspector General investigations)</li> <li>Any other investigative or oversight/auditing duties, the outcome or compromise of which could cause severe harm</li> </ul>	<p><input type="checkbox"/> Conducts internal and/or external non-criminal investigations, inquiries, or audits, the outcome or compromise of which could cause moderate harm</p>	<p><input type="checkbox"/> Conducts or assists in conducting Government investigations, inquiries, or audits of a routine nature, but has limited authority for independent action</p>	[ ]

<sup>3</sup> The size of the supply (large, moderate, and limited) is relative to the potential damage which could be inflicted through its misuse. Therefore, there is more to consider than just the physical mass of the supply. If unclear how to evaluate the size of the supply, seek management input.

<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b><u>Automatic High-Risk Conditions</u></b>	<b><u>Severe impact</u></b>	<b><u>Moderate impact</u></b>	<b><u>Limited impact</u></b>	<b>N/A</b>
<p>Adjudication – suitability determinations, or the adjudication of other matters or claims</p>	<p><input type="checkbox"/> Makes or recommends final suitability determinations for positions at the highest levels, or adjudicates other matters, the nature of which could cause grave harm to the Nation</p>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Adjudicates sensitive or controversial matters and claims, the outcome or compromise of which could cause severe harm to the health, safety, or financial security of large numbers of the American public, or to the mission of the underlying Government program, its fairness, efficiency, and integrity</li> <li>• Makes or recommends final suitability determinations for agencies and positions the nature of which could cause harm to the Nation</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Adjudicates other matters and claims, the outcome or compromise of which could cause moderate harm to the health, safety, or financial security of individuals affected by the adjudication, or to public trust in the underlying Government program</li> <li>• Adjudicates suitability of positions at the low risk levels or acts in a support capacity with regard to adjudication</li> </ul>	<p><input type="checkbox"/> Adjudicates other matters and claims where there is limited potential for harm and/or limited authority for independent action</p>	<p><input type="checkbox"/></p>

<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b>Automatic High-Risk Conditions</b>	<b>Severe impact</b>	<b>Moderate impact</b>	<b>Limited impact</b>	<b>N/A</b>
Protection of government funds <sup>4</sup>	<input type="checkbox"/> One or more of the following: <ul style="list-style-type: none"> <li>• Obligates, expends, collects or controls revenue, funds or items with monetary value in excess of \$50 million</li> <li>• Procures (or secures funding for) goods and/or services with monetary value in excess of \$50 million annually, with the potential for devastating impact on government programs or operations</li> </ul>	<input type="checkbox"/> One or more of the following: <ul style="list-style-type: none"> <li>• Obligates, expends, collects or controls revenue, funds or items with monetary value in excess of \$10 million, but less than \$50 million annually</li> <li>• Audits or analyzes budgets or other financial records, the compromise of which could cause significant impact on government programs or operations</li> <li>• Procures (or secures funding for) goods and/or services with monetary value in excess of \$10 million, but less than \$50 million, annually, with potential for significant impact on government programs or operations</li> </ul>	<input type="checkbox"/> One or more of the following: <ul style="list-style-type: none"> <li>• Obligates, expends, collects or controls funds or items with monetary value over \$1 million, but under \$2 million, annually, where no controls or oversight are in place to limit potential impact; or \$2 million to \$10 million annually</li> <li>• Audits or analyzes budgets or other financial records, with potential for moderate impact on government programs or operations</li> <li>• Procures (or secures funding for) goods and/or services with monetary value exceeding \$2 million, but less than \$10 million, annually, the compromise of which could cause moderate impact on government programs or operations</li> </ul>	<input type="checkbox"/> One or more of the following: <ul style="list-style-type: none"> <li>• Obligates, expends, collects or controls funds or items with monetary value of less than \$2 million, but only when meaningful controls are in place to monitor the process and detect abuse; Otherwise, value may not exceed \$1 million</li> <li>• Audits or analyzes budgets or other financial records, with potential for limited impact on government programs or operations</li> <li>• Procures (or secures funding for) goods and/or services with monetary value less than \$2 million annually which could cause limited impact on government programs or operations</li> </ul>	<input type="checkbox"/>

<sup>4</sup> If the dollar amount associated with fiduciary duties is unknown, obtain sufficient information about the responsibilities of the position, including the level of authority, the scope of impact, and the potential to realize personal gain, to establish whether the risk is severe, moderate, or limited. (For example, some considerations might include the scope of contracts funded, the extent of operations a budget affects, whether the individual will have signature authority to obligate funds, etc.)

<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b>Automatic High-Risk Conditions</b>	<b>Severe impact</b>	<b>Moderate impact</b>	<b>Limited impact</b>	<b>N/A</b>
Protection of government information technology systems <sup>5</sup>	<p><input type="checkbox"/> Significant involvement in life-critical/mission-critical systems in such a way that compromise or exploitation would result in loss of lives or shut down or otherwise cause grave damage to essential government operations or National infrastructure</p>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Develops/directs/implements/administers agency computer security programs, including risk analysis/threat assessment without technical review</li> <li>• Disburses or authorizes disbursement of \$10 million per year or greater from computer systems</li> <li>• Major responsibility for the direction, planning, design, testing, maintenance, operation, monitoring, and/or management of systems hardware or software</li> <li>• Automated access to a system during operation or maintenance or preparation of data for entry into a computer system in any way that creates high risk for causing severe damage or realizing significant personal gain (for example, the ability to independently manipulate data)</li> </ul>	<p><input type="checkbox"/> One or more of the following:</p> <ul style="list-style-type: none"> <li>• Work carried out under technical review of a higher authority that involves direction, planning, design, operation, testing, maintenance, or monitoring of a computer system</li> <li>• Automated access to or processing of information systems that in any way creates moderate risk for causing damage or realizing moderate personal gain</li> <li>• Disburses or authorizes disbursement of less than \$10 million from computer systems</li> </ul>	<p><input type="checkbox"/> Automated access to or processing of sensitive but unclassified information/controlled unclassified information that is limited in scope or adequately controlled through significant monitoring and/or other methodology to oversee use and minimize risk</p>	[ ]

<sup>5</sup> Includes access to or processing of controlled unclassified information, supervision or control of information technology systems, authority to bypass significant technical and operational security controls for general support systems, or access to major applications. The scope of these duties exceed that of ordinary or routine computer use.

<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b>Automatic High-Risk Conditions</b>	<b>Severe impact</b>	<b>Moderate impact</b>	<b>Limited impact</b>	<b>N/A</b>
Protection of personal, private, controlled unclassified or proprietary information (including PA and FOIA, etc.)	<input type="checkbox"/> Unlimited access and control over personal, private, proprietary, or controlled unclassified information, the unauthorized disclosure of which could cause grave damage to the integrity or efficiency of the service and/or cause grave harm to individuals or business entities, or government programs or operations nationwide to worldwide	<input type="checkbox"/> Unlimited access and control over personal, private, proprietary, or controlled unclassified information, the unauthorized disclosure of which could cause severe damage to the integrity or efficiency of the service and/or cause severe harm to individuals or business entities, or government programs or operations	<input type="checkbox"/> Access to personal, private, proprietary, or controlled unclassified information, the unauthorized disclosure of which could cause moderate damage to individuals, business entities, or government programs or operations	<input type="checkbox"/> Access to personal, private, proprietary, or controlled unclassified information, the unauthorized disclosure of which could cause limited damage to individuals, business entities, or government programs or operations or any potential damage is limited to the local level	<input type="checkbox"/>
Government service delivery, including customer service and public liaison	<input type="checkbox"/> Duties involve customer service responsibilities and/or public liaison that could cause grave damage to individuals, business entities, or government programs or operations nationwide or worldwide	<input type="checkbox"/> Duties involve customer service responsibilities and/or public liaison that could cause severe damage to individuals, business entities, or government programs or operations	<input type="checkbox"/> Duties involve customer service responsibilities and/or public liaison that could cause moderate damage to individuals, business entities, or government programs or operations	<input type="checkbox"/> Duties involve customer service responsibilities and/or public liaison that could cause limited damage to individuals, business entities, or government programs or operations	<input type="checkbox"/>
Other activities demanding public trust (describe unique factors, considerations not previously accounted for)	<input type="checkbox"/> Explain:	<input type="checkbox"/> Explain:	<input type="checkbox"/> Explain:	<input type="checkbox"/> Explain:	<input type="checkbox"/>

<b>Degree of Potential Damage from Misconduct</b>					
<b>Duties</b>	<b><u>Automatic High-Risk Conditions</u></b>	<b><u>Severe impact</u></b>	<b><u>Moderate impact</u></b>	<b><u>Limited impact</u></b>	<b>N/A</b>
	<p>If any block in this column is checked, skip step 3 and go to step 4. The position will be designated as Tier 3, "High Risk"</p>	<p>Total blocks checked in this column:            ___ X 50 = ___</p>	<p>Total blocks checked in this column:            ___ X 15 = ___</p>	<p>Total blocks checked in this column:            ___ X 1 = ___</p>	
<p><b>Total Risk Points</b>            Add totals from all three columns above            _____            (go to step 3 and enter this number in the chart)</p>					

**Step 3: Point adjustment for program designation and level of supervision.**

In the Chart below, choose the appropriate adjustment value for the scope of program impact and the level of related controls from the Total Risk Points identified in step 2. (Only one column will apply)

Enter the Total Risk Points from Step 2 into the appropriate column	(50 and above)	(16 to 49)	(15 and under)
<p><b>Adjustment for Scope of Program and Correlation to Extent of Impact</b> (see definitions)</p>	<p><input type="checkbox"/> Worldwide or government-wide impact – <b>no change</b>  <input type="checkbox"/> Multi-agency impact – <b>subtract 5 points</b>  <input type="checkbox"/> Agency impact – <b>subtract 15 points</b></p>	<p><input type="checkbox"/> Worldwide or government-wide impact – <b>add 15 points</b>  <input type="checkbox"/> Multi-agency impact – <b>no change</b>  <input type="checkbox"/> Agency impact – <b>subtract 10 points</b></p>	<p><input type="checkbox"/> Worldwide or government-wide impact – <b>add 15 points</b>  <input type="checkbox"/> Multi-agency impact – <b>add 5 points</b>  <input type="checkbox"/> Agency impact – <b>subtract 5 points</b></p>
	<p><b>Worldwide/Government-wide Scope:</b> Program operations have potential to affect the entire government or have global implications. Misconduct would have potential for a national to international impact of a broad nature on the United States government or other countries and/or the individuals or private entities affected by the Government.  <b>Multi-agency Scope:</b> Program operations affect more than one agency. Misconduct would have potential to impact multiple government agencies, and/or the individuals or private entities affected by those agencies.  <b>Agency Scope:</b> Program operations affect only one agency. Misconduct would have potential for a local impact on the agency, and/or the individuals or private entities affected by the agency.</p>		
<p><b>Adjustment for level of supervision or other controls</b></p>	<p><input type="checkbox"/> Limited or no supervision - ability to act independently in almost all areas almost all of the time – <b>no change</b>  <input type="checkbox"/> Periodic, ongoing review – ability to act independently a lot of the time – <b>subtract 5 points</b>  <input type="checkbox"/> Close technical supervision – ability to act independently infrequently – <b>subtract 15 points</b></p>	<p><input type="checkbox"/> Limited or no supervision - ability to act independently in almost all areas almost all of the time – <b>add 15 points</b>  <input type="checkbox"/> Periodic, ongoing review – ability to act independently a lot of the time – <b>no change</b>  <input type="checkbox"/> Close technical supervision – ability to act independently infrequently – <b>subtract 10 points</b></p>	<p><input type="checkbox"/> Limited or no supervision - ability to act independently in almost all areas almost all of the time – <b>add 15 points</b>  <input type="checkbox"/> Periodic, ongoing review – ability to act independently a lot of the time – <b>add 5 points</b>  <input type="checkbox"/> Close technical supervision – ability to act independently infrequently – <b>subtract 5 points</b></p>
<p><b>Final Adjusted Risk Points</b></p>	<p><b>Total:</b></p>	<p><b>Total:</b></p>	<p><b>Total:</b></p>



**Step 4: Final Position Designation and Investigation.**

Use the following chart to determine the final position designation and required investigation. Note that for those positions designated as "Non-Sensitive" (no clearance or other sensitive national security duties) or "Noncritical-Sensitive" (duties with potential to cause damage to the national security, up to and including damage at the significant or serious level, including, but not limited to, access to classified material at the Secret, Confidential, or "L" level), the over-riding consideration in the final designation will depend on the designation level associated with the public trust responsibilities of the position.

Designation Level	National Security		Suitability	
	Positions Covered	Investigation	Positions Covered	Investigation
Tier 3	Requires eligibility for access to classified material at the SCI/TS SAP/TS/"Q" level, or duties have potential for exceptionally grave or inestimable damage to National Security	SSBI		
	<p>"Special-Sensitive" "Critical-Sensitive"</p> <p><b>OR</b></p> <p>Position has the potential to cause damage to the national security, up to and including damage at the significant or serious level and/or requires eligibility for access to classified material at the Secret, Confidential, "L" level</p> <p>"Noncritical-Sensitive"</p> <p><b>AND</b></p> <p>50 or more Final Adjusted Risk Points (Suitability)</p>	BI	<p>"High Risk"</p> <p>50 or more Final Adjusted Risk Points</p>	<p>BI</p> <p>SF 85P</p>

<p><b>Tier 2</b></p>	<p>Position has the potential to cause damage to the national security, up to and including damage at the significant or serious level and/or requires eligibility for access to classified material at the Secret, Confidential, "L" level, <b>"Noncritical-Sensitive"</b></p> <p><b>OR</b></p> <p><b>"Noncritical-Sensitive" AND</b> 41 to 49 Final Adjusted Risk Points</p> <p><b>OR</b></p> <p><b>"Noncritical-Sensitive" AND</b> 16 to 40 Final Adjusted Risk Points</p>	<p><b>ANACI</b> for Federal Employees <b>NACLC</b> for Contractor</p> <p><b>LBI<sup>6</sup></b></p> <p><b>MBI</b></p>	<p><b>SF 86</b></p>	<p><b>"Moderate Risk"</b></p> <p>41 to 49 Final Adjusted Risk Points</p> <p>16 to 40 Final Adjusted Risk Points</p>	<p><b>LBI<sup>6</sup></b></p> <p><b>MBI</b></p>	<p><b>SF 85P</b></p>
<p><b>Tier 1</b></p> <p>Note: Identity verification under HSPD-12 occurs at this level, unless the position requires a higher level of investigation.</p>	<p>No clearance or other sensitive national security duties</p> <p><b>"Non-sensitive"</b></p> <p><b>(NOTE: The Final Adjusted Risk Points will dictate the final investigative requirement for Non-Sensitive positions. If these points exceed 15, refer to Tiers 2 &amp; 3 under "Suitability" to determine the required investigation.)</b></p>	<p><b>NACI</b></p>	<p><b>SF 85</b></p>	<p><b>"Low Risk"</b></p> <p>15 and under Final Adjusted Risk Points</p>	<p><b>NACI</b></p>	<p><b>SF 85</b></p>
<p><b><u>Designator Notes/Justification/Comments:</u></b></p>						

<sup>6</sup> The minimum investigation is an MBI; however, OPM recommends conducting an LBI.

Designator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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